

Serial No. 09/126,330
Amendment dated October 27, 2003
Reply to Office Action of July 27, 2003

Docket No. CLNK-1P6

REMARKS

Claims 1-5, 17-48, 58-64, 67-73, 78-81, 90-93, and 98-101 are pending in this application. By this amendment, claims 1, 2, 58 and 59 are amended, and claims 6-16, 49-57, 65-66, 74-77, 82-89, and 94-97 are cancelled without prejudice or disclaimer. Support for the claims can be found throughout the specification, including the original claims, and the drawings.

I. RESTRICTION REQUIREMENT

Applicants maintain their traversal of the restriction/election requirement set forth in the Patent Office communication dated November 22, 2002. However, for the purpose of expediting prosecution of the application, Applicants have cancelled non-elected claims 6-16, 49-57, 65-66, 74-77, 82-89, and 94-97.

II. ALLOWABLE SUBJECT MATTER

The Examiner is thanked for the indication that claims 17-48, 67-69, 78-81, and 98-101 are allowed, and that claims 1 and 59-60 would be allowable if rewritten to overcome the rejection(s) thereof under 35 U.S.C. §112, second paragraph. The discussion that follows is responsive to the Examiner's comments regarding claims 1 and 59-60. Accordingly, claims 1 and 59-60 should also be in condition for allowance.

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III. REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Office Action rejects claims 59-60 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

The Office Action alleges that the meaning of the language "the first, second and third stages do not include a polarizer" in claim 59 is not clear, because any polarizer in the system can be described as identified with any given stage. Claim 59 has been amended to clarify that the first, second and third stages do not include any interposing polarizers. Accordingly, it is respectfully submitted that claim 59, as well as rejected dependent claim 60, which depends therefrom, meet the requirements of 35 U.S.C. §112, second paragraph, and thus withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1-5 and 70-73 under 35 U.S.C. §112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements. Claim 1 has been amended to clarify that the input polarizer, the color selective polarization modulators and the output polarizer are optically coupled.

Accordingly, it is respectfully submitted that claim 1, as well as dependent claims 2-5 and 70-73, meet the requirements of 35 U.S.C. §112, second paragraph. Thus, withdrawal of the rejection under 35 U.S.C. §112, second paragraph, is respectfully requested.

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IV. REJECTION UNDER 35 U.S.C. §102(b)

The Office Action rejects claims 58 and 61-64 under 35 U.S.C. §102(b) as being anticipated by Hunahata et al., U.S. Patent No. 4,838,655. This rejection is respectfully traversed.

Independent claim 58 recites, *inter alia*, a multi-stage in-line color filter, wherein at least one stage comprises a first retarder stack, a second retarder stack and a modulator positioned between the first and second retarder stacks. Hunahata does not disclose or suggest these features.

Hunahata discloses in Figures 2-3 and column 3, line 1 through column 4, line 66, a projector in which collimated rays of light pass through a series of polarizers and liquid crystal cells to produce a color image on display 70. However, Hunahata fails to teach or suggest a filter stage comprising two retarder stacks with a modulator positioned therebetween, as recited in claim 58.

Accordingly, Applicant respectfully submits that Hunahata fails to anticipate the subject matter of independent claim 58. Claims 61-64 depend from claim 58, and are thus also allowable at least for the reasons discussed above. Thus, withdrawal of the rejection of claims 58 and 61-64 under 35 U.S.C. §102(b) is respectfully requested.

V. REJECTION UNDER 35 U.S.C. §103(a)

The Office Action rejects claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over Konuma, U.S. Patent No. 5,995,185 (hereinafter "Konuma") in view of Yeh et al. However, Applicant notes that the Office Action does not indicate a U.S. Patent Number for the Yeh reference. Further, Form PTO-892, Notice of References Cited, forwarded with the February 14, 2003 Office Action, does not include the Yeh reference, and the corrected Office Action does not forward a new Form PTO-892. Based on a telephone conversation with the Examiner on July 16, 2003, it is believed that the Examiner intended to cite Yeh et al., U.S. Patent No. 5,196,953 (hereinafter "Yeh"). This rejection is respectfully traversed.

Claim 2 recites a retarder stack for receiving at least partially polarized light and outputting a first spectrum having a first polarization and a second spectrum having a second polarization, and an electro-optic modulator/retarder combination that is optically coupled to the retarder stack and that has an isotropic state and a modulation state, wherein one of the first and second polarizations output by the retarder stack corresponds to the modulation state of the electro-optic modulator/retarder combination. Konuma and Yeh, either alone or in combination, fail to teach or suggest these features.

For example, Konuma teaches a liquid-crystal electro-optical device comprising a pair of substrates, a nematic liquid crystal having a positive dielectric anisotropy and interposed between the substrates, and liquid crystal-orienting layers formed on the substrates. There is no teaching or suggestion in Konuma regarding the use of a retarder stack for outputting a first

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spectrum with a first polarization and a second spectrum with a second polarization, nor the use of an electro-optic modulator/retarder combination having an isotropic state, and a modulation state that corresponds to one of the polarizations output by the retarder stack.

Further, Yeh fails to remedy the deficiencies noted above in Konuma. For example, Yeh discloses a compensator for a liquid crystal display having two types of layers with different indices of refraction for improving the field of view of the liquid crystal display. Yeh does not teach or suggest the use of a retarder stack and electro-optic modulator/retarder combination, as recited in claim 2.

Thus, for at least the reasons set forth above, Applicant respectfully submits that the combination of Konuma and Yeh fail to render obvious the subject matter of claim 2. Claims 3-5 depend from claim 2, and are also allowable for at least the reasons discussed above, as well as for the additional features they recite. Accordingly, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 70-73 under 35 U.S.C. §103(a) as being unpatentable over Konuma in view of Wada et al., and further in view of Sharpless et al., U.S. Patent No. 3,647,279 (hereinafter "Sharpless"), Alasjo et al., U.S. Patent No. 5,671,211, Reiner et al., U.S. Patent No. 4,659,112 (hereinafter "Reiner"), and Fakirov et al., U.S. Patent No. 4,575,470 (hereinafter "Fakirov"). This rejection is respectfully traversed.

It is noted that the rejection does not include a U.S. Patent Number for the Wada reference. Further, Form PTO-892, Notice of References Cited, forwarded with the February

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14, 2003 Office Action, does not include the Wada reference, and the corrected Office Action does not forward a new Form PTO-892. It is assumed, for purposes of this reply, that Wada et al., U.S. Patent No. 5,337,174 (hereinafter "Wada") was the intended reference. Further, the Office Action cites "Alasjo et al." However, U.S. Patent No. 5,671,211 is to Akashi et al. (hereinafter "Akashi"). It is assumed, for purposes of this reply, that Akashi was the intended reference.

Claims 70-73 depend from claim 2, and are thus also allowable over Konuma at least for the reasons discussed above, as well as for their added features. Further, Wada, Sharpless, Akashi, Reiner, and Fakirov fail to overcome the deficiencies noted above in Konuma. Accordingly, withdrawal of the rejection of claims 70-73 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 90-93 under 35 U.S.C. §103(a) as being unpatentable over Hunahata in view of Sharpless, Akashi, Reiner, and Fakirov. This rejection is respectfully traversed.

Claims 90-93 depend from claim 58, and are thus also allowable over Hunahata for at least for the reasons discussed above, as well as for their added features. Further, Sharpless, Akashi, Reiner, and Fakirov fail to overcome the deficiencies noted above in Hunahata. Accordingly, withdrawal of the rejection of claims 90-93 under 35 U.S.C. §103(a) is respectfully requested.

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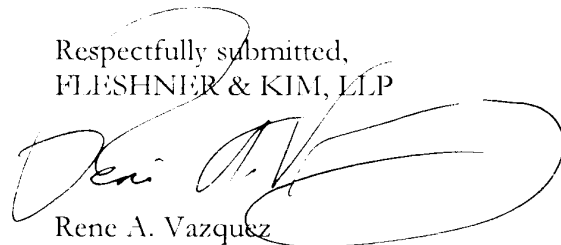
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VI. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, **Renè A. Vazquez**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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